

MICHIGAN SUPREME COURT
NOTICE OF PUBLIC ADMINISTRATIVE HEARING

Pursuant to Administrative Order No. 1997-11, the Michigan Supreme Court will hold a public administrative hearing on Thursday, September 29, 2005, in the Supreme Court courtroom located on the sixth floor of the Michigan Hall of Justice, 925 W. Ottawa Street, Lansing, Michigan 48915. The hearing will begin promptly at 9:30 a.m. and adjourn no later than 11:30 a.m. Persons who wish to address the Court regarding matters on the agenda will be allotted three minutes each to present their views, after which the speakers may be questioned by the Justices. To reserve a place on the agenda, please notify the Office of the Clerk of the Court in writing at P.O. Box 30052, Lansing, Michigan 48909, or by e-mail at MSC_clerk@courts.mi.gov, no later than Tuesday, September 27, 2005.

Administrative matters on the agenda for this hearing are:

1. 2002-29 Proposed Standards for Lawyer Sanctions.
 2003-62 Proposed Adoption of Michigan Rules of Professional Conduct.
 2002-29 published at 469 Mich 1206-1222 (2003).
 2003-62 published at 470 Mich 1212-1347 (2004).
 Issue: 1) *Should the Court adopt permanent standards to govern the imposition of sanctions on Michigan lawyers who have engaged in misconduct?* 2) *Should the Court adopt the proposed amendments of the Michigan Rules of Professional Conduct?*

2. 2003-04 Proposed Amendment of Rules 6.412 and 7.205 of the Michigan Court Rules.
 Rule 6.412 published at 472 Mich 1218 (2005).
 Rule 7.205 published at 472 Mich 1216 (2005).
 Issue: *Should the Court adopt the proposed new language of Rule 6.412, which would prohibit discrimination during jury selection, even where the purpose would be to achieve balanced representation? Should the Court adopt the*

proposed amendment of Rule 7.205, which would reduce the time for filing a late application for leave to appeal from the current deadline of 12 months to 6 months?

3. 2004-32 Proposed Amendment of Rules 9.223 and 9.224 of the Michigan Court Rules.
Published at 472 Mich 1213 (2005).
Issue: *Should the Court adopt the proposal to amend Rules 9.223 and 9.224, which would, in 9.223, eliminate the requirement that the JTC file an appendix with its recommendation for discipline against a judge, and, in 9.224, require the respondent judge to file an appendix if respondent files a petition to reject or modify the JTC's decision?*
4. 2004-40 Proposed Amendment of Rule 3.215 of the Michigan Court Rules.
Published at 472 Mich 1202 (2005).
Issue: *Should the Court adopt the proposal to amend Rule 3.215, which would establish how the record of a referee hearing will be provided to parties and also would establish a procedure for a referee to submit a recommended order?*
5. 2004-53 Proposed Amendment of Rule 9.124 of the Michigan Court Rules.
Published at 472 Mich 1205 (2005).
Issue: *Should the Court adopt the proposal to amend Rule 9.124, in subrule (B), which would require a petitioner seeking reinstatement to the State Bar to provide specific information in the personal history affidavit and, in subrule (C), would codify what already occurs in hearings on petitions for reinstatement and appeals from decisions following those hearings?*
6. 2004-55 Proposed Amendment of Rule 3.211 of the Michigan Court Rules.
Published at 472 Mich 1204 (2005).
Issue: *Should the Court adopt the proposal to amend Rule 3.211, which would require that all support orders be entered on a standard form approved by SCAO, and in subrule (F), would allow confidential personal information about a party to be provided to the friend of the court in a document separate from the court order, because the order is a public document?*
7. 2004-56 Proposed Amendment of Rule 3.925 of the Michigan Court Rules.
Published at 472 Mich 1215 (2005).

Issue: *Should the Court adopt the proposal to amend Rule 3.925, which would require destruction of juvenile files and records when the person reaches age 30, rather than the current rule's permanent retention?*

8. 2004-60 Proposed Amendment of Rule 9.205 of the Michigan Court Rules.
Published at 472 Mich 1219 (2005).
Issue: *Should the Court adopt one of the two alternatives (A or B) to amend Rule 9.205? Either alternative would allow the JTC to recommend and this Court to order that a disciplined judge pay costs, fees, and expenses incurred by the JTC in prosecuting misconduct; however, Alternative B is narrower, allowing assessment of costs only when the misconduct involved fraud, deceit, intentional misrepresentation, or misleading statements to the JTC, the JTC's investigators, the master, or the Supreme Court.*
9. 2005-16 Proposed Amendment of Rule 4.101 of the Michigan Court Rules.
Published at 472 Mich 1224 (2005).
Issue: *Should the Court adopt the proposed amendment of Rule 4.101, which would require implementation of certain procedures by courts allowing waiver of a police officer's attendance at informal civil infraction hearings, and would establish procedures if the officer fails to appear for a hearing?*
10. 2004-48 Proposed Amendment of Rule 8.108 of the Michigan Court Rules.
Published at 472 Mich 1210 (2005).
Issue: *Should the Court adopt the proposed amendment of Rule 8.108, recommended by the Court Reporting and Recording Board of Review, which would expand the rule's coverage to include "operators" and "voice writers" and mandate a board-approved course as a condition for certification?*
11. 2001-10 Proposed Amendment of Rule 8.123 of the Michigan Court Rules.
Published at 472 Mich 1222 (2005).
Issue: *Should the Court adopt the proposed amendment of Rule 8.123, which would (1) broaden the requirements to cover court appointments of attorneys, regardless of the indigency status of the represented party, while simplifying reporting requirements for trial courts, (2) require trial courts to electronically submit annual reports of counsel appointments to SCAO and, (3) require*

trial courts to cooperate with SCAO by providing additional data to SCAO about the appointments without being required to include it in the annual reports?

12. 2004-42 Proposed Amendment of Rules 8.103, 8.107, and 8.110 of the Michigan Court Rules.
Published at 472 Mich 1248-1249 (2005).
Issue: *Should the Court adopt the proposed amendments of Rules 8.103, 8.107, and 8.110, which would conform rules on undecided matters and speedy trial reporting to be consistent with casflow management guidelines?*
13. 2003-19 Amendment of MRPC 1.15 and proposed amendment of MRPC 1.15.
Amendment published at 472 Mich lxxv (2005).
Proposed amendment published at 472 Mich 1252 (2005).
Issue: *Should the Court retain the amendment of Rule 1.15 of the Michigan Rules of Professional Conduct, which provides interest rate parity with investments of non-IOLTA accounts in order to maximize the return to benefit the Michigan Bar Foundation; should the Court adopt the proposed amendment to conform Rule 1.15 to the decision in Brown v Legal Foundation of Washington, to create interest rate parity with non-IOLTA investments consistent with changes in financial products presently available on the market, and to make other revenue enhancing modifications to the IOLTA program (see Alternatives A, B, and C)?*
14. 2005-15 Amendment of Rules 2, 5, and 6 of the Rules Concerning the State Bar of Michigan.
Published at 472 Mich xxxvi-xxxviii (2005).
Issue: *Should the Court retain the amendment of Rules 2, 5, and 6 of the Rules Concerning the State Bar of Michigan, which cover electronic voting and dues payment on-line?*
15. 2004-33 Amendment of Rule 9.221 of the Michigan Court Rules; Proposed Amendment of Rule 9.221 of the Michigan Court Rules.
Amendment published at 472 Mich lvi (2005).
Proposal published at 472 Mich 1251 (2005).
Issue: *Should the Court retain the amendment of Rule 9.221, governing the confidentiality and privilege of JTC matters; should the Court adopt the proposed amendment of Rule 9.221, which would waive confidentiality and privilege and allow inclusion of the information in Supreme Court decisions, regardless of*

whether a formal complaint was filed?

16. 2004-54 Proposed Amendments of Rules 5.144, 5.203, 5.207, 5.302, 5.307, 5.404, and 5.409 of the Michigan Court Rules. Published at 472 Mich 1255-1257 (2005).
Issue: *Should the Court adopt the proposed “conservatorship” amendments of Rules 5.144, 5.203, 5.207, 5.302, 5.307, 5.404, and 5.409?*